

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DLJ MORTGAGE CAPITAL, INC.,

Plaintiff,

07 Civ. 7933 (PKL) (DFE)

-against-

SCHEDULING ORDER

EASTERN AMERICAN MORTGAGE COMPANY,

Defendant.  
-----x

DOUGLAS F. EATON, United States Magistrate Judge.

1. On February 11, 2008, Judge Leisure referred the case to me to conduct an inquest into damages. This means that I am to write a Report and Recommendation as to (a) whether a default judgment should be granted against the defendant, and (b) the amount of damages to be awarded against the defendant in favor of the plaintiff (including any claim for reasonable attorneys' fees).


2. I direct plaintiff to send me an inquest memorandum, accompanied by supporting affidavits and exhibits, setting forth its proof of damages (and to mail copies to the defendant) no later than April 25, 2008. Plaintiff's papers must include an affidavit, from someone with personal knowledge, setting forth facts which establish that this district court has both personal jurisdiction over the defendant, and jurisdiction over the subject matter. With respect to each damage claim, plaintiff must (a) set forth the proper rule for the calculation of damages and (b) set forth facts which support the calculation of an amount of damage with a reasonable degree of certainty. See *Credit Lyonnais Securities (USA), Inc. v. Alcantara*, 183 F.3d 151 (2d Cir. 1999).

3. I direct the defendant to send me any opposing memorandum, affidavits and exhibits (and to mail a copy to plaintiff's attorney Robert A. Pinel) within two weeks after receipt of plaintiff's inquest memorandum, and in no event later than May 23, 2008. In these papers, the defendant must state (a) whether it requests a hearing for the purpose of cross-examining plaintiff's witnesses, and (b) whether it requests a hearing for the purpose of calling its own witnesses and, if so, it must state the name and address of each witness.

4. If a hearing is requested by any party, then such a hearing will take place at 10:00 a.m. on Friday, May 30, 2008, in

Courtroom 18A at the United States Courthouse at 500 Pearl Street, New York, New York.

6. If no party requests a hearing by May 23, 2008, then I will make my decision solely on the basis of the memoranda and affidavits without oral argument.

  
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DOUGLAS F. EATON  
United States Magistrate Judge  
500 Pearl Street, Room 1360  
New York, New York 10007  
Telephone: (212) 805-6175  
Fax: (212) 805-6181

Dated: New York, New York  
March 6, 2008

Copies of this Scheduling Order were mailed on this date to:

Robert A. Pinel  
Flamm, Boroff & Bacine, P.C.  
Westfield Corporate Center  
4905 West Tilghman Street, Ste 310  
Allentown, PA 18064

Eastern American Mortgage Co.  
201 Lower Notch Road  
Little Falls, NJ 07424

Hon. Peter K. Leisure